

REMARKS

This amendment is submitted in response to an Office Action mailed April 1, 2010. Applicant respectfully requests reconsideration of the subject application as amended herein.

Claims 1-26 remain in the present application. Claims 4, 5, and 13 have been withdrawn from consideration in response to a restriction requirement.

As part of this amendment, Applicant has amended claim 18 to correct a previously undetected informality. No new matter has been added.

The April 1, 2010 Office Action required restriction to one of three species. The species were defined in terms of the figures.

Species I – Figures 1, 2, 3, 5, 6, 12, and 13.

Species II – Figures 4, 7, 8, and 9.

Species III – Figures 10 and 11.

Applicant does not fully understand the distinctions between the various species, making it very difficult to select claims for election. For instance, Figures 4, 7, and 8 in Species II illustrate examples of a client buffering data and/or monitoring a fill level of the buffer. Figure 9 is also listed in Species II. Figure 9, however, illustrates an example of a host device requesting data from the client, and then checking the data for errors. Figures 10 and 11, from Species III, illustrate examples of the error detection process that could be used

for element 930 in Figure 9. Therefore, Applicant respectfully submits that Figure 9 more appropriately belongs in Species III.

Furthermore, claim 24 includes elements illustrated in both Figure 5 of Species I and Figure 9 of Species II. If Applicant must elect claims from a single species, presumably Applicant cannot elect claim 24.

Also, the Office Action "required restriction between product and process claims." However, Applicant fails to grasp such a distinction among the species. In Species I for instance, Figures 1 and 2 each show examples of a client device coupled to a host device, whereas Figures 5 and 6, also in Species I, illustrate examples of a data framing process that could be performed by the client device. In other words, Species I appears to Applicant to include both products and processes.

Therefore, Applicant respectfully suggests different species for restriction. The present application is generally directed to an interaction between a client device and a host device, wherein the client captures raw acoustic data and supplies it to the host in a format that allows the host to check the data for errors. Applicant respectfully submits that the only aspects of the disclosure that are arguably "not so linked as to form a single general inventive concept" are the buffering and fill level monitoring processes described in connection with Figures 4, 7, and 8. In which case, the species would be:

Species I – Figures 1-3, 5-6, and 9-13; Claims 1-3, 6-12, and 14-26,

Species II – Figures 4, 7, and 8; Claims 4, 5, and 13.

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Based on these proposed Species, Applicant elects Species I, claims 1-3, 6-12, and 14-26.

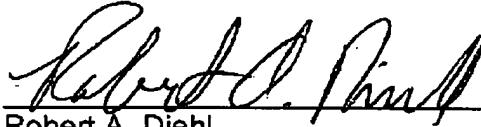
If Applicant's proposed Species are not acceptable, Applicant respectfully requests further clarification regarding the definitions of species.

Please charge any shortages and credit any overages to our Deposit Account No. 50-0221.

Respectfully submitted,

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